

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

SHEILA DOBBINS,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00333

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

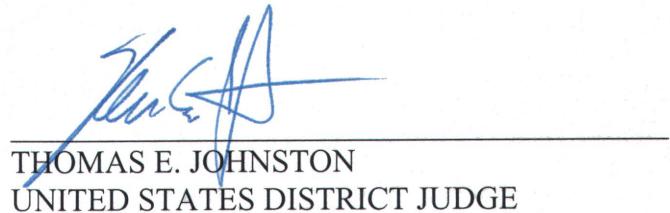
MEMORANDUM OPINION

Plaintiff Sheila Dobbins brings this action under 42 U.S.C. §§ 401-433, seeking review of the Commissioner of Social Security's (the Commissioner) final decision denying Plaintiff's application for Supplemental Security Income (SSI) under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383f. By Standing Order entered on August 1, 2006, and filed in this case on May 23, 2007, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort filed his PF&R on August 27, 2008 [Docket 14]. In that filing, the magistrate judge recommended that this Court deny Plaintiff's Motion for Judgment on the Pleadings [Docket 11], grant the Commissioner's Motion for Judgment on the Pleadings [Docket 13], affirm the final decision of the Commissioner, and dismiss this action from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo review and Plaintiff's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by September 15, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Having reviewed the PF&R [Docket 14] filed by Magistrate Judge VanDervort, the Court **ADOPTS** the recommendations contained therein, **DENIES** Plaintiff's Motion for Judgment on the Pleadings [Docket 11], **GRANTS** the Commissioner's Motion for Judgment on the Pleadings [Docket 13], **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the Court's docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

ENTER: September 17, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE